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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,273	04/24/2006	Matthew Keith Mason	42258/318977	9443

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EXAMINER

SWINEHART, EDWIN L

ART UNIT	PAPER NUMBER
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3617

MAIL DATE	DELIVERY MODE
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10/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/544,273	Applicant(s) MASON, MATTHEW KEITH	
	Examiner Ed Swinehart	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown.

Brown teaches perpendicular projections **22** for preventing a line or cord from slipping off a projection. The corner area of the tarp may be called a “clew”, and “sail” denotes no specific structure and/or arrangement so as to define over the tarp fabric.

Re claim 14, “sailing craft” as set forth is intended use, carrying no weight in the claims.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown.

Brown fails to show “strip material”, as he employs cord or rope, however such are considered to have been equivalents in the art, as would be recognized by the ordinary routineer working in the art. Substitution of such equivalents would provide results exactly as would be expected.

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5. Claims 1,3-7,9 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Brown.

Ackerman discloses the field of the invention, including a “substantially” annular body defining an interior open space having therein a projection **2** for receiving a cord, line or loop.

Ackerman fails to disclose fastener retaining means as claimed,

Brown teaches perpendicular projections **22** for preventing a line or cord from slipping off a projection.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide an expanded portion to the end of the projection of Ackerman as taught by Brown.

Such a combination would have been desirable so as to provide for assurance that the line does not slip from the projection easily.

Re the method of fastening claims, the recited “providing” steps are considered to be no more than recitation of structure, which is accorded little weight in method of fastening claims.

Re “clew ring” denotes no specific structure and/or arrangement which would define over the invention of Ackerman. Such as recited is considered intended use, carrying little to no weight in the claims. Furthermore, the definition of “clew” is encompasses more than just the lower corner of a sail, as such can mean the device joining a plurality of lines, such as on a hammock, or device that connects several ropes or cables to one, usually stronger, rope or cable.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Zutten et al.

Brown fails to disclose a cover over the connector.

Zutten teaches provision of cover flaps over connectors.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a connector covering portion to Brown as taught by Zutten et al.

Such a combination would have been desirable so as to provide for safety of individuals, such that the connectors are not snagged.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Zutten et al.

Zutten et al. is applied as above.

8. Applicant's arguments filed 7/8/2008 have been fully considered but they are not persuasive.

Applicant argues that the combination of Ackerman and Brown does not meet the claim language of the projection being provided in substantially the same plane as the body, being that the projections of Brown project out of such plane.

The examiner does not agree, as the language "provided in the same plane" does not positively recite that all portions of the projection residing within the plane, nor does it preclude some portion thereof not residing therein.

Applicant argues that it would not have been obvious to combine Ackerman and Brown, as the constrictions at **5** in Ackerman perform the same function as the projections **22** and **23** of Brown.

In response, Ackerman provides a plurality of embodiments, including some without the line retaining restrictions (note figure 2 for example), and therefore an addition of line retaining projections to the projection would have been obvious and desirable as taught by Brown.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-

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6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ed Swinehart/
Primary Examiner
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